

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 NSCE-00

SSO-00 USIE-00 INRE-00 DIWY-01 AF-06 ARA-06 EA-07

EUR-12 NEA-10 SCCT-01 /094 W
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TO SECSTATE WASHDC IMMEDIATE 4158

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E.O. 11652: N/A

TAGS: UNGA SHUM SOCI GEN SREF

SUBJ: THIRD COMMITTEE--DUTCH RESOLUTION ON TORTURE

REF: A. USUN 5972; B. STATE 273679

1. TRANSMITTED BELOW IS THE DUTCH RES ON TORTURE SUBMITTED NOV-EMBER 19 TO THE SECT. COSPONSORS INCLUDE MANY WEO COUNTRIES AS WELL AS MEXICO AND THE PHILIPPINES.

2. USUN REQUESTS AUTHORITY TO COSPONSOR. AS STATED IN THE US POSITION PAPER, TORTURE IS PROBABLY "THE SINGLE MOST IMPORTANT ISSUE IN THE FIELD OF HUMAN RIGHTS, AND THE STEPS THE UN TAKES TO COUNTER IT ARE OF GREAT IMPORTANCE TO THE UNITED STATES."

3. OP PARA 2 INCORPORATES TERMINOLOGY WHICH ENABLES THE US TO RAISE THE SECRETARY'S INITIATIVE AT THE NEXT MEETING OF THE HUMAN RIGHTS COMMISSION (REF (A) AND REF (B)).

4. THE US POSITION PAPER SUPPORTS THE DEVELOPMENT OF A NEW CODE OF POLICE ETHICS AS OUTLINED IN OP PARA 3.

5. AS INDICATED IN THE US POSITION PAPER ON TORTURE, THE
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US ALSO MAY SUPPORT PREPARATION BY THE WHO OF PRINCIPLES OF MEDICAL

ETHICS CALLED FOR IN OP PARA 4.

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THE GENERAL ASSEMBLY

REAFFIRMING THE REJECTION, IN ITS RESOLUTION 3059(XXVIII) OF

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NOVEMBER 1973 AND 3218(XXIX) OF 14 NOVEMBER 1974, OF ANY FORM OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

REITERATING ITS CONVICTION EXPRESSED IN RESOLUTION 3218(XXIX) OF 14 NOVEMBER 1974 THAT, BECAUSE OF THE INCREASE IN THE NUMBER OF ALARMING REPORTS ON TORTURE, FURTHER AND SUSTAINED EFFORTS ARE NECESSARY TO PROTECT UNDER ALL CIRCUMSTANCES THE BASIC HUMAN RIGHT TO BE FREE FROM TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

WELCOMING RESOLUTION 5(XXVIII) OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES;

HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL CONTAINING AN ANALYTICAL SUMMARY OF THE INFORMATION RECEIVED UNDER PARAGRAPH 1 OF ITS RESOLUTION 3218(XXIX);

RECALLING ITS REQUEST TO THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS TO CONSIDER STEPS TO BE TAKEN FOR THE PROTECTION OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, AND TO REPORT THEREON TO THE GENERAL ASSEMBLY AT ITS THIRTIETH SESSION;

RECALLING FURTHER ITS INVITATION TO THE WORLD HEALTH ORGANIZATION TO DRAFT AN OUTLINE OF THE PRINCIPLES OF MEDICAL ETHICS WHICH MAY BE RELEVANT TO THE PROTECTION OF PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT AGAINST TORTURE AND OTHER CRUEL INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT;

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NOTING WITH APPRECIATION THE REPORT OF THE SECRETARY-GENERAL CONTAINED IN DOCUMENT A/10260;

TAKING INTO ACCOUNT THAT THE FIFTH UN CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS EXPRESSED THE OPINION THAT ON THE MATTER OF AN INTERNATIONAL CODE OF POLICE ETHICS, THERE SHOULD BE FURTHER EXPERT CONSIDERATION;

HAVING ADOPTED THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE, AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

BELIEVING THAT FURTHER INTERNATIONAL ACTION IS NEEDED TO ENSURE ADEQUATE PROTECTION FOR ALL AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

1. EXPRESSES ITS APPRECIATION TO THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS FOR ITS WORK WHICH RESULTED IN THE ELABORATION OF THE "DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT";

2. REQUESTS THE COMMISSION ON HUMAN RIGHTS TO GIVE URGENT ATTENTION TO FURTHER STEPS FOR ENSURING THE IMPLEMENTATION OF INTERNATIONAL NORMS PROHIBITING TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AS WELL AS TO THE STUDY OF THE RIGHT OF EVERYONE TO BE FREE FROM ARBITRARY ARREST, DETENTION AND EXILE AND THE DRAFT PRINCIPLES ANNEXED TO IT WITH A VIEW TO ELABORATING A CODE ON THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT.

3. FURTHER REQUESTS THE COMMITTEE ON CRIME PREVENTION AND CONTROL TO ELABORATE, ON THE BASIS OF, INTER ALIA, THE PROPOSALS PRESENTED TO THE FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS AND CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS AND TO SUBMIT THIS DRAFT CODE TO THE GENERAL ASSEMBLY AT ITS 32ND SESSION LIMITED OFFICIAL USE

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THROUGH THE ECONOMIC AND SOCIAL COUNCIL;

4. INVITES THE WORLD HEALTH ORGANIZATION TO GIVE URGENT ATTENTION TO THE STUDY AND ELABORATION OF PRINCIPLES OF MEDICAL ETHICS RELEVANT TO THE PROTECTION OF PERSONS SUBJECT TO ANY FORM OF DETENTION OR IMPRISONMENT AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

5. DECIDES TO INCLUDE IN THE PROVISIONAL AGENDA OF ITS THIRTY-FIRST SESSION THE ITEM TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT FOR THE PURPOSE OF REVIEWING THE PROGRESS ACHIEVED IN ACCORDANCE WITH THE ABOVE PARAGRAPHS. UNQTE.
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